

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

GREGG TCHIRKOW,	)	
	)	Civil Action No. 19-984
Plaintiff,	)	
	)	Judge Marilyn J. Horan
v.	)	
	)	
ALLEN POWANDA, JAMES WILLIAMS,	)	
JOSH SHAPIRO, and MICHAEL DEMATT,	)	
	)	
Defendants.	)	
	)	

**MEMORANDUM ORDER**

Marilyn J. Horan, United States District Judge.

AND NOW, this 12th day of May 2020, upon consideration of the Report and Recommendation (ECF No. 52) on Defendant Josh Shapiro's Motion to Dismiss (ECF No. 24) recommending that the claim against Defendant Josh Shapiro be dismissed pursuant to Federal Rule of Civil Procedure 12(b)(6); the Report and Recommendation (ECF No. 53) on Defendants Allen Powanda's, James Williams', and Michael Dematt's Motion to Dismiss (ECF No. 37) recommending that the federal claims against Defendants Allen Powanda, James Williams, and Michael Dematt be dismissed pursuant to Federal Rule of Civil Procedure 12(b)(6) and that the Court decline to exercise supplemental jurisdiction over the state law claims; that the Reports and Recommendations have been served on Plaintiff, and Plaintiff filed objections thereto (ECF No. 54); and a *de novo* review of the pleadings and documents in this case, together with the Reports and Recommendations and the objections, the following order is entered:

IT IS HEREBY ORDERED that Plaintiff's objections to the Report and Recommendation on Defendant Josh Shapiro's Motion to Dismiss and to the Report and Recommendation on

Defendants Allen Powanda's, James Williams', and Michael Dematt's Motion to Dismiss are OVERRULED;

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 52) of Magistrate Judge Cynthia Reed Eddy is hereby adopted as the opinion of the District Court regarding Defendant Josh Shapiro's Motion to Dismiss;

IT IS FURTHER ORDERED that the claim against Defendant Josh Shapiro is DISMISSED with prejudice for failure to state a claim;

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 53) of Magistrate Judge Cynthia Reed Eddy is hereby adopted as the opinion of the District Court regarding Defendants Allen Powanda's, James Williams', and Michael Dematt's Motion to Dismiss;

IT IS FURTHER ORDERED that the federal law claims against Defendants Allen Powanda, James Williams, and Michael Dematt Motion to Dismiss are DISMISSED with prejudice for failure to state a claim, and to the extent that Plaintiff alleges state law claims, the Court declines to exercise supplemental jurisdiction over those state law claims; and

IT IS FURTHER ORDERED that the Clerk of Court shall mark this case CLOSED FORTHWITH.

BY THE COURT:

/s/Marilyn J. Horan  
Marilyn J. Horan  
United States District Judge